

II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 3, 8-11, 15, 20-25, 29-32, 35, 40-43, and 45-53 are pending in the application. Claims 1, 24, 45, and 51 are independent. Claims 1, 24, 45 and 51 have been amended.

In the Official Action, the Examiner has rejected claims 1, 3, 8 to 11, 15, 20 to 25, 29 to 32, 35, 40 to 43 and 45 to 53 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,519,770 to Ford (“Ford”) in view of U.S. Patent No. 7,370,343 to Ellis (“Ellis”) and U.S. Patent No. 5,610,653 to Abecassis (“Abecassis”). Applicant respectfully submits that the Examiner’s rejection in view of the cited references is without merit at least for the reasons set forth below.

Independent claim 1 recites an apparatus for selectively replacing objectionable content in a video program intended for viewing on a display screen comprising a first video signal with less-objectionable content, comprising an extraction device receiving at least a portion of the first video signal and configured to extract information therefrom; a replacement control device; a processor operatively coupled to said replacement control device and communicatively coupled to said extraction device for receiving at least a portion of said extracted information therefrom; a memory coupled to said processor and storing a replacement criterion; said processor programmed to identify replacement information in said extracted information; a replacement video signal including said less-objectionable content communicatively coupled to said replacement control device; and said processor programmed to cause said replacement control device to replace a portion of the first video signal with said replacement video signal in response to identifying replacement information that satisfies said

replacement criterion, wherein said less-objectionable content comprises advertising and wherein the advertising only replaces specified subregions of displayed video frames corresponding to the location of the objectionable content within the displayed video frames.

Ford discloses a system for filtering out potentially objectionable content from a video signal. The system is preferably implemented with user equipment such as a set-top box, a dedicated stand-alone box, a videocassette recorder, or circuitry in other television equipment. Videos to be filtered have embedded information that identifies potentially objectionable substitution events. The system determines which substitution events are to be filtered out based on selectable ratings settings. If desired, filtered video images may be replaced with blank video images and filtered audio signals may be replaced with silence or a tone. Filtering may also be accomplished by disrupting the event to be filtered (e.g., by garbling the event). Filtering may involve making substitutions of audio or video information. For example, audio information in a substitution event may be replaced by appropriate audio segments. Video information in a substitution event may be replaced by a video still or by a video clip. The entire video frame may be replaced with the substitution video or a portion of the video frame such as half of the video frame may be replaced with the substitution video.

Ellis discloses an interactive television program guide for supporting programming blackouts. In some embodiments, the interactive television program guide may unschedule the reminding and recording of blacked-out programs that have been scheduled by a user for reminding or recording. In some embodiments, the interactive television program guide may prevent a user from scheduling blacked-out programs for reminding and recording. In some embodiments, the interactive television program guide may prevent a user from ordering blacked-out pay-per-view programs. In some embodiments, the interactive television program guide may provide blackout information in information displays. In some embodiments, the

interactive television program guide may provide replacement media for blacked-out programs.

Abecassis discloses a video method and system for automatically tracking a viewer defined target within a viewer defined window of a video image as the target moves within the video image by selecting a target within the video, producing an identification of the selected target, defining a window within a video, utilizing the identification to automatically maintain the selected target within the window of the video as the selected target shifts within the video and transmitting the window of the video.

Contrary to the Examiner's allegation, the combination of Ford, Ellis and Abecassis does not render the claimed invention obvious to one of ordinary skill in the art. The Examiner contends that each of Abecassis, Ford and Ellis disclose "a processor programmed to cause said replacement control device to replace a portion of the first video signal with said replacement video signal in response to identifying replacement information that satisfies said replacement criterion and wherein the advertising only replaces a specified subregion of displayed video frames corresponding to the location of the objection content with the displayed video frames." To support the Examiner's position with regard to Abecassis, the Examiner points to Figures 1 to 3 and column 11, lines 35 to 62 of Abecassis. To support the Examiner's position with regard to Ford, the Examiner points to Figures 5 and 6 and column 8, lines 45 to 65 of Ford. To support the Examiner's position with regard to Ellis, the Examiner points to column 14, lines 45 to 65 of Ellis. Applicant respectfully disagrees.

At the onset, Applicant wishes to remind the Examiner that it is impermissible to use the Applicants's claims as a roadmap to pick and choose from the cited references to sustain a finding of obviousness while disregarding the teachings of the references as a whole.

Looking at the cited prior art references for what they actually teach, it is clear that the cited references in any combination would not lead one of ordinary skill in the art to the

Applicants's claimed invention. Ford does not show, teach or suggest an apparatus for selectively replacing objectionable content in a video program intended for viewing on a display screen comprising a first video signal with less-objectionable content, comprising, among other features, a processor programmed to cause said replacement control device to replace a portion of the first video signal with said replacement video signal in response to identifying replacement information that satisfies said replacement criterion and wherein the advertising only replaces specified subregions of displayed video frames corresponding to the location of the objection content with the displayed video frames, as recited. Rather, at column 8, lines 45 to 65, Ford discusses substituting video frames with a blank screen by generating a null video signal or for more complex video substitutions, accessing a library of prestored video clips or video stills. Ford also discusses overlaying an image over the existing video image or disrupting the video image. There is simply no discussion in Ford of replacing a portion of a video signal with a replacement video signal comprising less-objectionable content in the form of advertising with the advertising **only replacing specified subregions of video frames.**

Ellis does not show, teach or suggest an apparatus for selectively replacing objectionable content in a video program intended for viewing on a display screen comprising a first video signal with less-objectionable content, comprising, among other features, a processor programmed to cause said replacement control device to replace a portion of the first video signal with said replacement video signal in response to identifying replacement information that satisfies said replacement criterion and wherein the advertising only replaces specified subregions of displayed video frames corresponding to the location of the objection content with the displayed video frames, as recited. Rather, at column 14, lines 45 to 65, Ellis discusses presenting advertisements and replacement media on a channel where a program has been blacked out. Ellis therefore does not modify any video signal but rather generates a video signal

comprising advertisements for display on a channel on which no video is available due to the blackout. There is simply no discussion in Ellis of replacing a portion of a video signal with a replacement video signal comprising less-objectionable content in the form of advertising with the advertising **only replacing specified subregions of video frames**.

Abecassis does not show, teach or suggest an apparatus for selectively replacing objectionable content in a video program intended for viewing on a display screen comprising a first video signal with less-objectionable content, comprising, among other features, a processor programmed to cause said replacement control device to replace a portion of the first video signal with said replacement video signal in response to identifying replacement information that satisfies said replacement criterion and wherein the advertising only replaces specified subregions of displayed video frames corresponding to the location of the objection content with the displayed video frames, as recited. Rather, Abecassis discusses a video segment map that allows segments of video, comprising one or more video frames that have been designated with certain ratings, to be skipped allowing a continuous viewing of video. In particular, at column 11, lines 32 to 62, Abecassis states:

“A video segment map then is the combination of the various segment definitions in a video. In the above example the video map would provide the following information: **4112-5109/35351-38975/5175-6026,135-4,6027; 4112-6026,135-3,6027; 4112-5205/35205-35350,135-1,6027**. This map would enable, for example, to automatically retrieve the segment defined by frames **4112-5109**, followed by segment defined by frames **353514-38975**, and followed by the segment defined by frames **5175-6026** in response to a viewer’s preference for a graphic level of violence (**135-4**).

It is noted that, for simplicity of presentation, in each of the segment definitions above, the next logical segment is the same, namely the segment beginning with frame **6027**. As suggested earlier, this need not be the case.

A video having a video frame identified by number **5100** and a video frame identified by number **5200**, need not have video frames identified by numbers **5101 to 5199**. It is also noted that

segment definitions need not be based on frame numbers, any timing or logging format that defines the video material may instead or in addition be utilized. The segment definitions may be dynamic and can be automatically redefined or renumbered as a particular system or platform requires.

The exact physical location of a segment is a function of the hardware and software of the host media. Portability of a video segment map among platforms may be facilitated by a proprietary standard or by commercial tools. To that extent, the teachings at Avid Technology, Inc.'s "OMF Interchange Specification" are incorporated by reference."

Thus, Abecassis simply allows video frames forming a segment that have been designated with a certain rating to be skipped. There is simply no discussion in Abecassis of replacing a portion of a video signal with a replacement video signal comprising less-objectionable content in the form of advertising with the advertising **only replacing specified subregions of video frames**.

In the Applicants's invention, unlike the cited prior art, because only portions of displayed video frames corresponding to objectionable content are replaced with advertising, video continuity is maintained allowing the viewer to watch the modified video program without the viewing experience being negatively impacted. Further, because the advertising corresponds **only to subregions of displayed video frames** that include objectionable content, the advertising can be matched to the video content to minimize the impact the advertising has on the video program being displayed. For example, during a nude scene, the appropriate portion(s) of displayed video frames can be replaced with clothing advertisements.

Accordingly, Applicants respectfully submit that independent claim 1 and the claims dependent thereon distinguish patentably over the cited references and should be allowed. Independent claims 24, 45 and 51 and the claims dependent thereon are also believed to distinguish patentably over the cited references at least for the same reasons set forth above and should be allowed.

In view of the above, it is believed the application is in order for allowance and action to that end is respectfully requested.

Applicants's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should be directed to our address given below.

Respectfully submitted,

/Richard P. Bauer/
Attorney for Applicants
Richard P. Bauer
Registration No. 31,588

KATTEN MUCHIN ROSENMAN, L.L.P.
2900 K Street, N.W.
North Tower - Suite 200
Washington, D.C. 20007-5118
Facsimile: (202) 298-7570
Customer No. 27160